

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENRY UNSELD WASHINGTON

PLAINTIFF

KANSKY DELISMA dependants, et al

CIVIL ACTION: 3:19-CV-00196
JUDGE: LENIHAN
MOTION IN OBJECTION TO MAGISTRATE JUDGE DE-
CISION TO DISMISS PLAINTIFF CLAIMS FOR FAIL-
URE TO STATE A CLAIM

I, HENRY UNSELD WASHINGTON, AM THE PLAINTIFF IN THE ABOVE CAPTION.

1. PLAINTIFF MOVES THIS COURT WITH A MOTION IN OBJECTION TO MAGISTRATE JUDGE DE-
CISION TO DISMISS PLAINTIFF CLAIMS FOR FAILURE TO STATE A CLAIM

2. PLAINTIFF OBJECTION ARE:

WHETHER THE DISMISSAL OF ECF NO. 79①②, ECF NO. 91, Doc#109, P.2; IS WITH OR
WITHOUT PREJUDICE3. CONCERNING THE COURT REPEATED REFERENCE TO PLAINTIFF AS A AFRICAN
AMERICAN MALE. PLAINTIFF IS A "BLACK MALE", THERE IS A UNIQUE-N-
READILY RECOGNIZABLE DIFFERENCE BETWEEN THE TWO, PASSIM IN Doc#1094. CONCERNING THE RATIONALE EXPOSED ON P. 4, Doc#109; PLAINTIFF'S APPARENT
INABILITY TO ACCEPT THESE GOVERNING FACTS DISPISTE THE COURT'S (AND THE COR-
RECTIONAL INSTITUTIONS) NUMEROUS ATTEMPTS TO ADDRESS HIS COMPLAINTS AND EX-
PLAIN MEDICAL AND LEGAL GUIDELINES/CONSTRAINTS TO HIM OVER SEVERAL DEC-
ADES AND ACTIONS, WHILE RESPECTABLE, DOES NOT ALTER THE BOUNDS OF EITHER MEDI-
CAL SCIENCE OR CORRECTIONAL LIABILITY5. CONCERNING Doc#109, P. 6, ECF NOS. 60-62, SAID SUPPLEMENTS WERE FILED ON
JULY 10 AND JULY 15, 2020; NOTE #3, PUSKAR IS NOT A DEFENDANT IN THE AMENDED COM-
PLAINT IN THIS ACTION - WHICH PLAINTIFF WAS AFFORDED NO LESS THAN FOUR④ OPPORT-
UNITIES TO FILE. BECAUSE PUSKAR WAS NOT NAMED/IDENTIFIED BY PLAINTIFF DES-
PITE THIS COURT REPEATED AND EXPRESS CAUTIONS THAT CLAIMS NOT INCLUDED WOU-
LD BE WAIVED. PUSKAR IS NOT - NOR CAN HE NOW BE ADDED AS A DEFENDANT6. CONCERNING Doc#109, P. 7 AT NOTE #6, INTER ALIA, "PLAINTIFF HAS NOT MADE ALLEGATIONS
MEETING EITHER FORCED CHOICE OR PRESSURED VIOLATION." THERE IS A COMPELLING GOV-
ERNMENT INTEREST IN LIMITING THE AMOUNT OF PROPERTY THAT ANY ONE INMATE CAN RETE-
AIN IN HIS CELL, AS THE ALLEGATION OF PLAINTIFF'S AMENDED COMPLAINT FAIL TO STATE
OR SUGGEST A CLAIM UNDER RLUIPA.7. CONCERNING Doc#109, PP. 27-28, IN REFERENCE TO DONNELLY, INTER ALIA "THE COURT NOT-
ES THAT PLAINTIFF'S LENGTHY AND FREQUENT HISTORY OF ABDOMINAL/INTESTINAL PAIN AND DIS-
COMFORT OF THIS DEGREE AND THE FREQUENT OF HIS SICK CALL REGISTRATION OF THOSE
COMPLAINTS," "THE ALLEGATION DOES NOT SUBSET CIRCUMSTANCES WHICH WOULD GIVE
RISE TO AN 8th AMENDMENT VIOLATION ~~BY DONNELLY~~ BY DONNELLY.8. Doc#109, PP. 28-29 AT C, INTER ALIA, "A PLAINTIFF MUST THEREFORE ALLEGE WITH PARTI-
CULARITY AND PRESENT MATERIAL FACTS WHICH SHOW THAT THE PURPORTED CONSPIRATORS
REACHED SOME UNDERSTANDING OR AGREEMENT OR PLOTTED, PLANNED AND CONSPIRED TO

GETHER TO DEPRIVE PLAINTIFF OF A PROTECTED FEDERAL RIGHT

9. Doc #109, P. 32, THE COURT REFERENCE TO PLAINTIFF AS WHAT APPEARS TO BE HYPOCHONDRIA
10. PLAINTIFF ASSERTS THAT DEFENDANTS REFUSED TO PROVIDE CONSTITUTIONALLY ADEQUATE MEDICAL CARE TO PENALIZE PLAINTIFF FOR FILING COMPLAINTS, IN VARIOUS FORMS AGAINST DEFENDANTS, PERSONALLY, AS WELL AS OTHER MEDICAL AND CORRECTIONAL OFFICERS; Doc #109, PP 30, 31

11. Doc #109, P. 32, LOWER BUNK CLAUSTROPHOBIA, HEART ATTACK SYMPTOMS SUCH AS CHEST PAIN RESPIRATORY DIFFICULTIES, PERIPHERAL NUMBNESS

12. AS PLAINTIFF HIMSELF REPEATEDLY ACKNOWLEDGES, THE RESTORATIVE SCOPE OF MEDICAL TREATMENT FOR MANY OF HIS CONDITIONS - RELATED TO HIS AGE AND GENERAL HEALTH, Doc #109, P. 33

13. Document 109, PP 40 AT ECF NOS 71, 79, 91

FILED

APR 15 2021

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

IN LIGHT OF THE FOREGOING PLAINTIFF'S MOTION IN OBJECTION TO MAGISTRATE JUDGE DECISION TO DISMISS PLAINTIFF CLAIMS FOR FAILURE TO STATE A CLAIM SHOULD BE GRANTED

DATED: 4.9.21

"RESPECTFULLY SUBMITTED"
s/ Henry Unselo Washington
HENRY UNSELO WASHINGTON
AM 3086
PRO SE

3:19-CV-00196, LRBTA

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